

**2009 No. 11**

**ELECTRONIC COMMUNICATIONS**

**The 5875-5905 MHz Frequency Band (Management)  
Regulations 2009**

<i>Made</i> - - - -	<i>8th January 2009</i>
<i>Laid before Parliament</i> -	<i>9th January 2009</i>
<i>Coming into force</i> - -	<i>4th February 2009</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to electronic communications(b).

**Citation, commencement and interpretation**

1. These Regulations may be cited as the 5875-5905 MHz Frequency Band (Management) Regulations 2009 and shall come into force on 4th February 2009.

2. In these Regulations—

The “Commission Decision” means the Commission Decision 2008/671/EC of 5<sup>th</sup> August 2008 on the harmonised use of radio spectrum in the 5875-5905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS)(c);

“Intelligent Transport Systems” means systems or services, based on information and communications technologies, including processing, control, positioning, communication and electronics, that are applied to a road transportation system; and

“OFCOM” means the Office of Communications as established by the Office of Communications Act 2002(d).

**The 5875-5905 MHz frequency band**

3.—(1) OFCOM shall carry out their functions under the Wireless Telegraphy Act 2006(e) so as to give effect to the obligations of the United Kingdom under the Commission Decision.

(2) OFCOM shall, in particular-

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(a) 1972 c.68.  
(b) S.I. 2001/3495.  
(c) OJ No L 220, 15.08.2008, p.24.  
(d) 2002 c.11.  
(e) 2006 c.36.

- (a) by 5<sup>th</sup> February 2009, designate the 5875-5905 MHz frequency band for use for safety-related applications of Intelligent Transport Systems, in accordance with the parameters set out in the Annex to the Commission Decision; and
- (b) as soon as reasonably practicable following such designation, make that frequency band available for such use on a non-exclusive basis.

8th January 2009

*Stephen Carter*  
Minister for Communications Technology and Broadcasting  
Department for Business, Enterprise and Regulatory Reform

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement in the United Kingdom the Commission Decision 2008/671/EC of 5<sup>th</sup> August 2008 on the harmonised use of radio spectrum in the 5875-5905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS) (the Commission Decision).

Regulation 3(1) requires the Office of Communications (OFCOM) to exercise their functions under the Wireless Telegraphy Act 2006 so as to give effect to the obligations of the United Kingdom under the Commission Decision.

Regulation 3(2) specifies the obligations under article 3 of the Commission Decision, to which OFCOM must give effect.

A full Regulatory Impact Assessment and Transposition Note have been produced. Copies may be obtained from James Youngs, Business Relations Directorate (BR2), Department for Business Enterprise and Regulatory Reform, 1 Victoria Street, London, SW1H 0ET.

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